

# Office Action Summary

Application No.  
09/881,529

Applicant(s)  
Terashima et al

Examiner  
Mark Wallerson

Art Unit  
2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 24, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11 6) ☐ Other:

Art Unit: 2622

### **Part III DETAILED ACTION**

***Please note that a new Examiner has been assigned to this application.***

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: RCE filed on **12/24/02**.
2. This application has been reconsidered. Claims 1-8 are pending.

#### ***Information Disclosure Statement***

3. The references listed in the Information Disclosure Statement dated 11/7/2002 have been considered by the Examiner and is attached to this Office Action.

#### ***Allowable Subject Matter***

4. The indicated allowability of claims 1-8 is withdrawn in view of the newly discovered reference(s) to Yamada et al (Yamada) (U<sup>o</sup> S. 5,559,609). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2622

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 3, 4, 5, 6, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (U. S. 5,559,609).

With respect to claim 1, 5, and 8, Yamada discloses a multi-function apparatus (figure 1) comprising a first transporting guide (feeding path A) being formed so as to transport a first sheet (for printing); a second transporting guide (11) provided along the first transporting guide, including a straight guide part (11) and a deflecting guide part (22 or 70), the straight guide part being formed so as to transport a second sheet straight and is open at one end (figure 2), and the deflecting guide part being connected to the straight guide part at a side opposite to the one end (figure 2) so as to transport a second sheet (to be read) in a direction different from a direction of transport effected by the straight guide part (direction B); a first apparatus (printer) (50) provided in a space between the deflecting guide part (22 or 70) and the first transporting guide (feeding path A) and performing processing (printing) for the first sheet in a case where the first sheet is transported along the first transporting guide (column 6, lines 1-24); a second apparatus (scanner) (26) provided at the first guide part (11) and performing processing for the second sheet in a case where the second sheet is transported along the straight guide part (column 6, lines 49-58), wherein the first transporting guide (feeding path A) is provided opposite a direction of deflection effected by the deflecting guide part (22 or 70) with respect to the straight guide portion (11), the deflecting guide part disposed over the first apparatus (50) (figure 2).

Art Unit: 2622

With regard to claim 2, the second apparatus (26) is opposite the first transport guide (feeding path A).

With respect to claim 3, the direction of transport of the first sheet ("A" direction) and the second sheet form an angle smaller than  $90^{\circ}$  with the vertical direction (figure 2).

With respect to claim 4, Yamada discloses a first transporting mechanism (60) transporting the first sheet; a second transporting mechanism (16) transporting the second sheet in a manner that the second sheet is transported in substantially the same direction as the first sheet (figure 2); a first delivery port (7) for the first sheet and a second sheet delivery port (21) for delivery of the second sheet provided down stream of the deflecting guide (22 or 70).

With regard to claims 6 and 7, the deflecting guide cover the image forming apparatus and is movable (column 6, lines 59-62).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Art Unit: 2622

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an  
interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

  
MARK WALLERSON  
PRIMARY EXAMINER

MARK WALLERSON